

PD-1053-19

IN THE COURT OF CRIMINAL APPEALS

FILED  
COURT OF CRIMINAL APPEALS  
4/22/2020  
DEANA WILLIAMSON, CLERK

OF THE STATE OF TEXAS

\*\*\*\*\*

ALLEN BRAY PUGH,

Appellant,

V.

THE STATE OF TEXAS,

Appellee.

\*\*\*\*\*

On Appeal from the Court of Appeals  
Eleventh Judicial District, Eastland, Texas  
Cause Number 11-17-00216-CR  
The 42<sup>nd</sup> Judicial District Court of Taylor County, Texas  
Honorable Frank E. Griffin, Judge Presiding  
Trial Court Cause Number 26,281-A

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**STATE'S FIRST MOTION FOR EXTENSION  
OF TIME TO FILE BRIEF ON THE MERITS**

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

The State of Texas, by and through its Assistant Criminal  
District Attorney, moves the Court for an extension of time to file its  
brief on the merits in the above-entitled and numbered cause, and  
shows:

I. Statement of the Case

This is an appeal from a conviction for murder. Allen Bray Pugh, Appellant, was found guilty following a jury trial and was sentenced by the trial court to 50 years confinement in TDCJ-ID. The Eleventh Court of Appeals in Eastland, Texas issued an opinion affirming the conviction on August 30, 2019. No motion for rehearing was filed. Appellant petitioned this Court alleging one ground of review on October 31, 2018, and was granted review on February 2, 2020. Appellant's brief on the merits was filed March 24, 2020; the State's brief on the merits is due on April 23, 2018. This is the State's first motion for extension.

## II. Cases Recently Filed and Argued, Other Assignments

Counsel had a brief due in *In the Interest of J.C., a Child*, 11-20-00006-CV on April 21, 2020, timely filed April 20, 2020; this is an accelerated appeal. Counsel had a brief due on May 6, 2020 in *Paul Raylyn Dwayne Carson v. State of Texas*, 11-19-00373-CR, timely filed April 14, 2020. Counsel had two briefs due on April 10, 2020 in *Bradly Don Gardner v. State of Texas*, 11-19-00360-CR and 11-19-00361-CR; these briefs were both timely filed on April 7, 2020. Counsel had a brief due on April 8, 2020 *Jose David Robles v.*

*State of Texas*, 11-19-00358-CR, timely filed April 1, 2020. Counsel had a brief due and timely filed on March 27, 2020 in *Larry Michael Doescher v. State of Texas*, 11-19-00211-CR; this brief had been granted prior extensions. Counsel had a brief due on March 27, 2020; in *Bruce Alan Payne v. State of Texas*, 11-19-00298-CR, filed on March 23, 2020; this brief had been granted prior extensions. Counsel had a brief due and timely filed on March 12, 2020 in *Jingbo Xu v. State of Texas*, 11-19-00203-CR; this brief had been granted prior extensions. Counsel had a brief in response to Appellant-father due on March 10 and timely filed on March 4 in *In the Interest of S.T., a Child*, 11-19-00363-CV, an accelerated appeal. Counsel had in that same cause number another brief in response to Appellant-mother due and timely filed on February 24, 2020. Counsel had a brief due and timely filed on February 18, 2020 in *In the Interest of O.W. & C.J., Children*, 11-19-00362-CV; this is an accelerated appeal previously granted one extension. Counsel had a brief due and timely filed on February 2, 2020 in *Fernando Sonny Monroy v. State of Texas*, 11-19-00257-CR; this brief had received extensions. Counsel had oral argument on January 23, 2020 in *Jody*

*Alexander Ordway v. State of Texas*, 11-18-00336-CR. Counsel had a brief due and timely filed on January 20, 2019; in *Brandon Carl Powell v. State of Texas*, 11-19-00188-CR; this brief had received extensions. Counsel had a brief due and timely filed on January 18, 2020 in *Michael Shawn Gootee v. State of Texas*, 11-19-00077-CR, this brief had received extensions. Counsel had a brief due and timely filed on January 6, 2020 in *Daniel Aragon Machado v. State of Texas*, 11-19-00092-CR. Counsel assisted trial prosecutors with a four day jury trial in a continuous sexual abuse of a child case during the week beginning January 6 in the 104<sup>th</sup> District Court.

### III. Briefs and Oral Arguments Pending

Counsel had three briefs due on April 8, 2020, in *Jose David Robles v. State of Texas*, 11-19-00358-CR (timely filed April 1, 2020), in *Michael Gregory Schibi v. State of Texas*, 11-19-00325-CR (extended to May 8); and in *Jacob Adam Garcia v. State of Texas*, 11-19-00344-CR (extended to May 8). Counsel had two briefs due on April 20, 2020; in *Ricardo Villa v. State of Texas*, 11-19-00370-CR, and in *Xavier Mushawn Applin v. State of Texas*, 11-19-00403-CR,

extensions in both are pending. Counsel has a two briefs due on May 5, 2020 in *In the Interest of A.Q., a Child*, 11-20-00090-CV and *In the Interest of J.W., a Child*, 11-20-00088-CV; both are accelerated appeals.

#### IV. Prayer

The State requests a 30 day extension. This request for extension of time is not made solely for the purpose of delay, but so that justice may be served.

Respectfully submitted,

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BY: /s/ Britt Lindsey  
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## **CERTIFICATE OF COMPLIANCE**

I, Britt Lindsey, affirm that the above motion is in compliance with the Rules of Appellate Procedure. The font size in the body of the motion is 14 pt. The word count is 981 including the entire motion.

/s/ Britt Lindsey  
Britt Lindsey

## **CERTIFICATE OF SERVICE**

I certify that on this 22<sup>nd</sup> day of April, 2020, a true copy of the foregoing State's First Motion for Extension of Time to File Brief on the Merits was served according to the requirements of law by email or efile to:

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/s/ Britt Lindsey  
Britt Lindsey

### **Automated Certificate of eService**

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Associated Case Party: State

Name	BarNumber	Email	TimestampSubmitted	Status
Stacey Soule		information@spa.texas.gov	4/22/2020 2:39:55 PM	SENT
Britt Lindsey		lindseyb@taylorcountytexas.org	4/22/2020 2:39:55 PM	SENT

Associated Case Party: AllenBrayPugh

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Rick Dunbar		rickdunbar2013@gmail.com	4/22/2020 2:39:55 PM	SENT